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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 PRODUCE CENTER, INC.,

13 Petitioner,

14 vs.

15 SUNRIVER TRADING COMPANY
16 LIMITED d/b/a SUNRIVER SALES,

17 Respondent.
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Case No.: 5:08-mc-80116 JW

**NOTICE OF MOTION AND MOTION
FOR EXTENSION OF TIME TO POST
BOND**

Date: July 7, 2008

Time: 9:00 a.m.

Place: Courtroom 8, 4th Floor

20 PLEASE TAKE NOTICE that Petitioner Produce Center, Inc., through its attorney of
21 record herein, will, at 9:00 a.m. on July 7, 2008, before this Court in Courtroom 8, located
22 at 280 South First Street, San Jose, CA 95113, move for the following relief: an order
23 extending the time to post a bond. Said Motion will be made on the ground that Petitioner
24 needs additional time to post a bond.

25 This Motion is based upon this Notice, the attached Memorandum of Points and
26 Authorities, the attached Declaration of Robert E. Goldman, and the complete file and
27 records in this action.
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2 By: s/ Robert E. Goldman
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MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION

On May 23, 2008, Petitioner filed a "Notice of Appeal," wherein it appealed from the "Decision and Order" by the United States Department of Agriculture rendered on April 23, 2008, based upon the grounds set forth in the separately filed Petition. Pursuant to 7 U.S.C. §499 *et seq.*, Petitioner is to post a bond related to the appeal. Petitioner requires additional time to seek to obtain a bond from an approved bond company. This process takes time due to the need to transmit financial information to the bond company, and then comply with collateral requirements of the bond company.

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DECLARATION OF ROBERT E. GOLDMAN

I, Robert E. Goldman, declare as follows:

1. I am an attorney who represents the Petitioner Produce Center, Inc., in this action. I make this Declaration based upon my own personal knowledge. If called upon to testify, I could and would testify as follows.

2. On April 21, 2008, I was retained to represent the Petitioner.

3. On April 23, 2008, Petitioner had to file the Notice of Appeal and Petition in this matter to preserve its right to appeal.

4. I am assisting Petitioner with its efforts to obtain a bond from an approved surety for the purpose of posting a bond in this case.

I declare under penalty of perjury of perjury of the laws of the United States that the foregoing is true and correct.

May 23, 2008

s/Robert E. Goldman
Robert E. Goldman